

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,

CASE: 2:16-cr-00285-APG-NJK

vs.

MINUTES OF THE COURT

BRANDON LAMAR PRUITT,
Defendant.

DATE: 12/18/2017

PRESENT: HONORABLE ANDREW P. GORDON, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: MELISSA JOHANSEN

REPORTER: HEATHER NEWMAN

COUNSEL FOR PLAINTIFF(S): ELHAM ROOHANI and CHRISTOPHER BURTON

COUNSEL FOR DEFENDANT(S): HEIDI OJEDA and RAQUEL LAZO

PROCEEDINGS: **Jury Trial - Day 1**

Court convenes at 9:13 a.m. outside the presence of the jury. Defendant is present in Custody. Agent James Mollica and Detective Richard Leung are present with Government counsel.

For reasons stated on the record, Government's #104 Motion in Limine to Exclude and Limit Improper Impeachment and Character Evidence under FRE 403, 404, 412, 608, and 609 is **DENIED** as moot. Defendant's #114 Motion in Limine to Exclude False Statements to Police and Journal Entries is **GRANTED** in part and **DENIED** in part. Defendant's #125 Motion in Limine to Exclude Certain Jail Calls remains under advisement.

The Government provides the Court with copies of emails between Ms. Roohani and Ms. Ojeda regarding contact with material witness Alexxis De La Paz. The Court directs the United States Marshal's Office to provide separate housing and transportation for material witness Alexxis De La Paz and the defendant. Statement of the case discussed.

Scheduling discussed off record.

The Court addresses jury instructions.

Fifty-three prospective jurors enter the Courtroom at 9:59 a.m. The jurors are addressed by the Court and the Courtroom Administrator administers the oath. Thirty-two initial jurors are identified and voir dire commences.

The jury is excused for recess at 10:46 a.m.

OUTSIDE THE PRESENCE OF THE JURY: Motions for cause are discussed.

Court stands at recess from 10:51 a.m. until 10:59 a.m.

OUTSIDE THE PRESENCE OF THE JURY: Seven prospective jurors are brought into the courtroom separately for follow-up questions. Upon inquiry of the Court, the defendant's presence is waived during sidebar issues.

The remaining prospective jurors are brought back into the courtroom and voir dire continues.

The prospective jurors are excused for lunch at 12:39 p.m.

OUTSIDE THE PRESENCE OF THE JURY: Prospective juror #35 informed the Court and counsel that his name was called and another juror with the same name came forward. Follow-up questions are asked of Prospective juror #35.

Court recessed for lunch from 12:51 p.m. until 1:42 p.m.

OUTSIDE THE PRESENCE OF THE JURY: As stated on the record, the Court will allow portions of Journal pages, bates stamped 180 to be introduced into evidence. Defendant's #125 Motion in Limine to Exclude Certain Jail Calls is **GRANTED** in part and **DENIED** in part.

Court stands at recess from 2:03 p.m. until 2:15 p.m.

OUTSIDE THE PRESENCE OF THE JURY: The Court advises counsel that under Rule 403, Clip 201609301107 will not be allowed.

The prospective jury enters the courtroom and voir dire continues.

The prospective jury is excused at 2:57 p.m.

Counsel exercise their peremptory challenges outside the presence of the prospective jury.

Court reconvenes at 3:30 p.m. in the presence of the prospective jury.

Sixteen jurors are selected and the Courtroom Administrator administers the Oath. Preliminary instructions are given by the Court.

The jury is excused at 3:44 p.m.

OUTSIDE THE PRESENCE OF THE JURY: The exclusionary rule is invoked.

Court stands at recess from 3:44 p.m. until 3:59 p.m.

Court reconvenes in the presence of the jury at 4:00 p.m.

Ms. Roohani presents opening statements on behalf of the Government. Ms. Ojeda presents opening statements on behalf of the defense.

Ms. Roohani calls **OFFICER MICHAEL CARRAL** to the stand. The witness is sworn and direct examination commences. Ms. Lazo commences cross examination. Re-direct examination by Ms. Roohani. The witness is excused.

The jury is excused at 4:31 p.m.

OUTSIDE THE PRESENCE OF THE JURY: The Court and counsel discuss scheduling and jury instructions.

Court stands at recess from 4:33 p.m. until 4:44 p.m.

The jury enters at 4:44 p.m.

Mr. Burton calls **OFFICER LARRY MORTON** to the stand. The witness is sworn and direct examination commences. Ms. Lazo commences cross examination. Re-direct examination by Mr. Burton. The witness is excused. Government's **Exhibits #1 and #2** are marked and admitted into evidence.

The jury is admonished and excused at 5:00 p.m.

OUTSIDE THE PRESENCE OF THE JURY: Trial matters are discussed. The Court directs Detective Leung to securely store Government's **Exhibits #1 and #2**.

Jury Trial continued to **Tuesday, December 19, 2017 at 9:00 a.m.** in Courtroom 6C before Judge Andrew P. Gordon.

Defendant is remanded to custody.

Court adjourns at 5:03 p.m.

DEBRA K. KEMPI, CLERK

United States District Court

By: /s/

Melissa Johansen, Deputy Clerk